IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE

MISCELLANEOUS CIVIL APPLICATION NO.109 OF 2007

Nilima Avinash Shinde ..Applicant.
v.
Dr.Avinash Sudhakar Shinde ..Respondent.

Mr.K.K.Tated, adv. for the Applicant.
Mr.J.G.Reddy, adv. for the Respondent.

CORAM: J.H.BHATIA,J.
DATE: 13th December,2007.

P.C.

1. Heard the learned counsel for the Parties.

2. This is an application filed by the wife/applicant for transfer of Marriage Petition No.177 of 2005 filed by the respondent/husband before the Family Court, Pune to the Family Court, Mumbai on the ground that the applicant has three children. Her two daughters are aged about 9 years and her son is aged about 7 years. She is serving as a nurse in Mumbai and it is difficult for her to travel to Pune on the dates fixed by the Court. The learned counsel for the respondent/husband points out from copy of roznama of the proceeding that on the request of the present applicant, the family Court had directed the respondent/husband to pay an amount of Rs.300/- per trip towards the journey expenses and the husband has been

paying that amount regularly. Written statement was filed, issues were framed and on 19-11-2005, the husband has already filed his claim affidavit in examination-in-chief. After taking number of adjournments for cross-examination, the present applicant has also cross-examined the husband on 4-7-2007 and 27-7-2007. From this it is clear that trial is in progress. It will not be in the interest of justice nor in the interest of the parties themselves that in the middle of the trial, matter should be transferred from Family Court, Pune to Family Court, Mumbai. If the applicant/wife feels that the amount of Rs.300/- per trip is not sufficient to meet the expenses, she can move family Court for enhancement of that amount.

3. In view of the above circumstances, application stands rejected.

(J.H.BHATIA,J.)